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December 12, 2014

**VIA ECF**

Chief Magistrate Judge Steven M. Gold  
U.S. District Court, Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re:** Alkhatib v. NY Motor Group, et al, Case No. 13-CV-2337;  
Gabrys v. NY Motor Group, et al, Case No. 13-CV-7290;  
Freire v. NY Motor Group, et al, Case No. 13-CV-7291;  
Tuhin v. NY Motor Group, et al, Case No 13-CV-5643;  
Dong v. NY Motor Group, et al, Case No 14-CV-2980;  
Chowdhury v. NY Motor Group, et al, Case No. 14-CV-2981.

Your Honor:

This firm represents the Plaintiffs, except for Mr. Tuhin, in the above-referenced related lawsuits brought *inter alia* under the Truth In Lending Act, 15 U.S.C. §§ 1601 *et seq.* (“TILA”) and the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961, *et seq.* (RICO). After consultation with Mr. Tuhin’s counsel, I write on behalf of all Plaintiffs to request a short extension of time to submit Plaintiff’s letter briefing on further amendments to the proposed amended complaints.

In Court on November 25, 2014, Your Honor ordered that Plaintiffs were to submit a letter brief on December 16, 2014, in order to address further proposed amendments to the complaints and the Plaintiffs’ position on the potential for consolidating the related-cases. Your honor had specifically asked Plaintiffs to address issues related to “continuity” of the RICO enterprises as alleged in the proposed amended complaints.

In follow-up interviews with witnesses to prepare the further amendments, Plaintiffs have discovered that Defendant Mamdoh Eltouby is actually the President of the existing auto

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dealership, Hillside Motors, LLC.<sup>1</sup>, which is operating at 161-10 Hillside Avenue, Jamaica, NY 11432, an address formerly associated with Defendant Planet Motor Cars, Inc. Plaintiffs have further discovered that Mr. Eltouby, as President of Hillside, entered in to a consent order with the New York City Department of Consumer Affairs in June 2014 agreeing to pay restitution to a consumer, Gaganmeet Bains<sup>2</sup>, who alleged, inter alia, to have had unwanted warranties and other products forced on him in order to inflate the price of the vehicle purchase and his ultimate loan obligation. The facts of this DCA administrative action are strikingly similar to the facts of all alleged claims in the related-matters. The DCA Notice of Hearing and a copy of the consent decree signed by Mr. Eltouby and his current counsel in the Tuhin matter, Richard Simon, are attached to this letter.

As these recent discoveries suggest that Mr. Eltouby is continuing to operate an auto dealership in a similar manner to his alleged operations of New York Motor Group and Planet Motor Cars, they are directly related to the threat of continued criminal and fraudulent activity, separate and apart from any collaboration with Mr. Eltouby's former employee Julio Estrada – which are the issues at the heart of Your Honor's inquiry about RICO continuity. Accordingly, Plaintiffs respectfully request a brief extension of time to Friday December 19, 2014 to submit the supplemental briefing, in order to adequately confirm these relevant facts with the DCA and other witnesses. Plaintiffs will consent to an extension of time for Defendants' response to the briefing to January 19, 2014, in order to still allow them a full month to respond, if they so desire.

In addition, if the Court is inclined to grant this extension of time, the Plaintiffs also request that they have until December 19 to confer with all parties and submit to the Court the proposed schedule for completing depositions. Under Your Honor's order from the hearing on November 25, 2014, the parties were also to submit that schedule on December 16.

All Defendants consent to the requested extensions of time, though they, of course, reserve their right to respond to any substantive arguments referred to herein.

Respectfully submitted,  
/s/ Peter T. Lane  
Peter T Lane, Esq.

CC: All Counsel (via ECF)

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<sup>1</sup> Hillside was previously identified as a one of the business that, on information and belief formed from prior witness interviews, was controlled or operated by Mamdoh Eltouby and formed the RICO enterprise under his control. (See e.g. Chowdhury Proposed Second Amended Complaint at ¶ 180).

<sup>2</sup> Mr. Bains was previously identified as a witness with similar allegations to Plaintiffs' as part of the RICO claims. (See e.g. Dong Proposed Second Amended Complaint at ¶ 181(a)).